

1 THE COURT: No, what irritates me is the notion that
2 somehow I'm participating in a shakedown.

3 MR. SEIVER: No, Your Honor.

4 THE COURT: Which is --

5 MR. SEIVER: Please, I'm not suggesting that.

6 THE COURT: What you have joined in when that's
7 what's the -- that's the explicit statement of the other group
8 in their pleadings to the Supreme Court, that somehow I have
9 acted to aid and abet the extortion of money from innocent,
10 frightened IP subscribers. And I recognize what you have
11 called the trend. That doesn't mean anything to me, because I
12 don't believe anybody when I've got the job do myself.

13 I'm sure you're the same way about your lawyering.
14 Unless you have absolutely a loyal -- somebody working for
15 you, you do your work, and I'll do mine.

16 I have pointed out that it would be the easiest matter
17 for me, and for Tina, and for everybody in this courthouse to
18 have said, oh, no, that's just too much work, and, oh, boy,
19 there's a threat here that the plaintiffs are bad boys because
20 they seek damages from others.

21 But anyhow, the why part still is out there for me, and
22 it doesn't include the merits, arguments regarding what
23 subscribers may say, because that isn't your business. You're
24 not about to take that position with your subscribers because

1 you don't like your subscribers when they don't provide their
2 money to you or otherwise behave as subscribers. So you are
3 adverse to your subscribers many occasions all the time, and I
4 don't accept you as their surrogate, or their father, or
5 brother, or volunteer uncle for the -- or guardian angel for
6 the individual people who are a matter of -- that stand as
7 those who need to respond in court like anybody else to a
8 subpoena or to object like anybody else and have their
9 objections heard.

10 MR. SEIVER: Well, Your Honor, I had hoped that at
11 least we would get the same treatment for Your Honor's review,
12 which is I guess a merits review about how the T.H.I.E.F.
13 software works and the evidentiary issues concerning the test
14 for admissibility and conclusions and --

15 THE COURT: Well, you wouldn't. Why would you? That
16 is an issue down the road for those who are defendants.

17 MR. SEIVER: But, Your Honor, that's how you're
18 dealing with the objecting ISP subscribers. They're not
19 giving their names and addresses to plaintiffs.

20 THE COURT: Yeah, and that's my idea, and that's --

21 MR. SEIVER: I guess I didn't understand --

22 THE COURT: That doesn't control your behavior now,
23 what curiosity I have down the road about this case. This
24 case is one that I intend to try to work through from